



# UNITED STATES PATENT AND TRADEMARK OFFICE

*Hecht*  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,538	02/14/2002	Helmut Siegeritz	HK-646	8633
7590	08/09/2006		EXAMINER	
LERNER AND GREENBERG, P.A. POST OFFICE BOX 2480 HOLLYWOOD, FL 33022-2480			GRANT II, JEROME	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/075,538	SIEGERITZ, HELMUT
	Examiner	Art Unit
	Jerome Grant II	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 June 2006.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8,13 and 19-21 is/are rejected.
- 7) Claim(s) 9-12 and 14-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



JEROME G. GRANT II  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/05

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**Detailed Action**

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 13, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Six.

With respect to claim 1, Six teaches a method of determining a printing color profile (X(CMYB), Y(CMYB) and Z(CMYB) for printing with  $N = 4$  printing inks forming a solid of printable colors CMYB in a deice-independent color system, which comprises: defining an inner reference curve 20, 126 in the device independent color system selecting one of the group of print ink (x) and a combination of printing inks x (CMYB). Six teaches defining boundary surfaces 126 between the inner reference curve 120 and an output envelope of the color solid subdividing the color solid into color sectors by producing first test forms 10 , the first test forms being printed and measured (col. 3, lines 55-62). Six teaches producing the second test forms 20 for the color sectors, the second test forms being colorimetrically printed and measured(see col. 3, lines 63-65) and determining the printing color profile from measured values (test regions x,y,z) (CMYB) of the second form.

With respect to claim 2, Six teaches printing black ink B. See figure 4.

With respect to claim 3, Six teaches inner reference curves by a printing combination of printing inks (CMYB0 see figure 4.

With respect to claims 4-6, Six teaches reference curve lines in a neutral color region, such as the black and white region.

With respect to claim 7, Six teaches the variation is with respect to "reflectance" values . See col. 4, lines 10-15.

With respect to claim 8, the variation is with respect to reflectance.

With respect to claim 13, the two colored inks of respective test patterns for respective test pattern on sheet 10 and 20 are varied.

With respect to claim 19, Six teaches describing the printing color profile in the form of a table 92; and assigning, in the table, printing color values of the printing inks with which predefined colors can be printed to predefined device-independent color values see steps 104, 106 and 108 of figure 3.

With respect to claim 20, the color profile table 92 having predefined device – independent color values (steps 104, 106 and 108) assigned to printing color values of the printing inks with which predefined colors can be printed. (printed on sheet 20).

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Six in view of the Well Known Prior Art.

Six teaches a method of determining a printing color profile (X(CMYB), Y(CMYB) and Z(CMYB) for printing with  $N = 4$  printing inks forming a solid of printable colors CMYB in a device-independent color system, which comprises:

defining an inner reference curve 20, 126 in the device independent color system  
selecting one of the group of print ink (x) and a combination of printing inks x (CMYB).

Six teaches defining boundary surfaces 126 between the inner reference curve 120 and an output envelope of the color solid subdividing the color solid into color sectors by producing first test forms 10, the first test forms being printed and measured (col. 3, lines 55-62). Six teaches producing the second test forms 20 for the color sectors, the

second test forms being colorimetrically printed and measured(see col. 3, lines 63-65) and determining the printing color profile from measured values (test regions x,y,z) (CMYB) of the second form.

What Six doesn't show is the Lab type color system claimed in claim 21.

Six doesn't teach LaB space but teaches cie-LUV space. However, the two color spaces are compatible or interchangeable in that L in the Luv space is the same in Lab space. The u,v and a,b are chrominance values.

Therefore, to one of ordinary skill in the art, it would have been obvious to convert from Luv to Lab color space by use the appropriate coefficients in a matrix operation. This is well established in color masking and correction.

3.

**Claims Objected to As Containing Allowable Matter**

Claims 9-12 and 14-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

### **Examiner's Remarks**

Applicant's remarks have been considered but are unpersuasive to allow the claims.

At page 16 of the argument, the applicant states, “..Six does not show an inner curve in a color system..” The examiner, however, referred to the inner curve as element 20. Applicant has not proffered a rationale that element 20 could not serve as the means as the inner curve.

In the second full paragraph at page 16, applicant argues that Six does not show “enveloping surface” . However, claim 1 does not refer to a surface of an envelop. Instead, the claim refers to –an outer envelop--. Hence applicant argues limitations which are not supported in the claim.

In the third paragraph of page 16, applicant argues that Six does not teach how to determine the color profile. Claim 1 refers to determining the printing color profile from

measured values from the second test form. However, on the subsequent page, applicant agrees that this limitations is taught. See lines 1-9 of page 17. Hence, the determination of the profile is taught, as set forth in the examiner's office action and as agreed at page 17 of applicant's argument.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

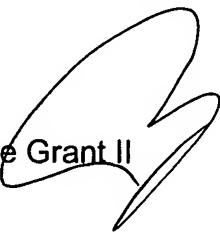
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Thurs. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jerome Grant II  
**JEROME GRANT  
PRIMARY EXAMINER**